

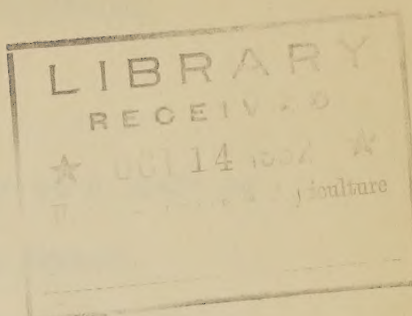
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UNITED STATES DEPARTMENT OF AGRICULTURE  
Bureau of Agricultural Economics

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RULES AND REGULATIONS

Of the Secretary of Agriculture

Governing the

INSPECTION AND CERTIFICATION OF

BEANS AND PEAS.

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Under an Act of Congress Approved July 7, 1932.

(Public No. 269, 72nd Congress)

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Washington, D. C.  
September, 1932.



UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF AGRICULTURAL ECONOMICS

By virtue of authority vested in the Secretary of Agriculture by the provision in the Act of Congress entitled "An Act Making Appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933, and for other purposes, approved July 7, 1932, (Public No. 269, 72nd Congress) authorizing the establishment of an inspection service for farm products, I, R. W. Dunlap, Acting Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of beans and peas, to be in force and effect on and after September 10, 1932, as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority. These rules and regulations shall supersede the rules and regulations governing the inspection of fruits, vegetables, and other products approved by the Secretary of Agriculture June 30, 1925, and amendments thereto as they apply to dry beans and soybeans.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington this 8th day of September, 1932.

(Seal)

(Signed) R. W. Dunlap,  
Acting Secretary of Agriculture.

Washington, D. C.  
September 1932

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING  
THE INSPECTION OF BEANS AND PEAS

Regulation 1.--Definitions

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purposes of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Paragraph 1. The Act.--The following provision of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933," approved July 7, 1932 (Public No. 269, 72d Congress): "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton, tobacco, fruits and vegetables whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: Provided, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

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Janice S. Brown



Paragraph 2. Person.--Individual, association, partnership, or corporation.

Paragraph 3. Secretary.--Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 4. Bureau.--Bureau of Agricultural Economics of the United States Department of Agriculture.

Paragraph 5. Beans and Peas.--Beans and peas shall include dry edible beans; soybeans; cowpeas; dry peas, whole and split; and similar dry leguminous seeds used for food, feed, or manufacturing purposes.

Paragraph 6. Inspector.--Employee of the Department of Agriculture authorized by the Secretary, or other person licensed by him in accordance with these regulations, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of beans and peas under the act.

Paragraph 7. Official Sampler.--Employee of the Department of Agriculture, or other person authorized or licensed by the Secretary, to draw official samples of beans and peas under the act and these regulations.

Paragraph 8. Inspection certificate.--Certificate of the class, quality, and/or condition of beans and peas issued by an inspector under the act.

Paragraph 9. Interested party.--Any person who has a financial interest in the beans and peas involved, including all carriers and warehouses who have handled or will handle the beans and peas, the present owner or any person who owned the beans and peas prior to him, and persons to whom the beans and peas have been sold and whose acceptance thereof hinges on the inspection, but not including persons who merely are negotiating for their purchase.

Paragraph 10. Regulations.--Rules and regulations of the Secretary under the act.



## Regulation 2.--Administration

Section 1. The chief of the bureau is charged with the supervision of the performance of all duties arising in the administration of the act.

## Regulation 3.--Where Service is Offered

Section 1. Inspections may be made for the purpose of the act wherever beans and peas are offered for interstate shipment including farms, warehouses, elevators, loading platforms, wagons, trucks, railroad cars, boats, barges, and vessels and at designated important central markets whenever inspectors are available and at nearby points accessible to such inspectors.

## Regulation 4.--Inspection

Section 1. Standards to be used.--Inspectors will use United States standards when inspecting beans and peas to which such standards apply. Beans and peas for which there are no United States standards may be graded under any standards the applicant desires used and which the inspector can interpret or a certificate may be issued which gives a description of the class, quality, and/or condition of the beans and peas without reference to any standards.

Section 2. Who may obtain inspection.--Application for inspection of beans and peas under the act may be made by a State, or by any interested party, or by any authorized person in behalf of such applicant.

Section 3. How inspection may be obtained.--Application for inspection of beans and peas under the act may be made in writing, or orally, by telegraph, telephone, or otherwise. Such application may be made to any inspector. If made orally, the inspector may require that it be confirmed in writing.



Section 4. Form of application.--The written application for inspection of beans and peas under the act shall be in English, and shall include the following information: (a) The date of the application; (b) the identification and location of the beans and peas; (c) the name and post office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) whether the beans and peas have been inspected previously, and the facts relating to such inspection; and (f) such other necessary information as the inspector may require.

Section 5. When an application may be withdrawn.--Application for inspection may be withdrawn by the applicant at any time before the sample or any portion thereof is drawn upon payment of any expenses incurred in connection therewith as provided in regulation 8, section 3.

Section 6. When an inspection may be refused.--Any application may be rejected by the inspector with whom it is filed or by the chief of the bureau for any noncompliance with the act or these regulations and all expenses incurred in connection therewith shall be paid by the applicant as provided in regulation 8, section 3.

Section 7. Certificate issued on each lot.--Inspectors shall sign and issue a separate certificate for each lot of beans and peas inspected by them. For purposes of issuing certificates each kind of beans and peas shall be considered as a separate lot, except, however, that each class and/or grade, or combination or part thereof of any one kind of beans and peas may be considered as a separate lot and a certificate issued thereon when requested by the applicant, or in the discretion of the inspector.



Section 8. Disposition of certificates.--The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, and one or more copies forwarded to the supervising inspector or the chief of the bureau. Additional copies may be delivered upon request (a) to the applicant for whom the inspection was made, or his order; (b) to interested parties who have sold or purchased the beans and peas involved on the basis of United States standards; and (c) to interested carriers and public warehouses.

Section 9. Advance information.--Upon request of an applicant for whom an inspection has been made, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

Regulation 5.--Reinspection.

Section 1. When a reinspection may be made.--Whenever an applicant for whom an inspection has been made believes the class, quality, and/or condition of a lot of beans and peas as stated in the inspection certificate issued to him is not correct he may request the inspector who made the original inspection to reinspect the lot, provided (a) the request for reinspection is made not later than the close of the second business day after the original inspection was made; (b) the beans and peas have not left the place where the original inspection was made; (c) the identity of the beans and peas has not been lost; and (d) the certificate issued as a result of the original inspection is surrendered to the inspector.

Section 2. Reinspection certificates.--Inspectors who made a reinspection of a lot of beans and peas, in accordance with section 1 of this



regulation, shall sign and issue a certificate in accordance with regulation 4. Such certificate shall bear the notation "Reinspection" on its face, followed by the word "Sustained" if the class, quality and/or condition is the same as that shown in the original inspection and by the word "Reversed" if the class, quality and/or condition is not the same as that shown in the original inspection. Copies of reinspection certificates shall be mailed or delivered to all interested parties who received copies of the certificate issued on the original inspection.

Section 3. Second inspection in new location not considered a reinspection.--A lot of beans and peas which has been inspected as provided in Regulation 4 and/or reinspected as provided in this regulation and which moves to another market where an inspector is available may be inspected by such inspector and such inspection shall not be considered a reinspection as defined in this regulation.

Section 4. Reinspection not to prevent filing appeals.--Nothing in this regulation providing for a reinspection of a lot of beans and peas by a licensed inspector shall prevent the applicant for reinspection or any other interested party from filing an appeal in accordance with the provisions of regulation 6.

#### Regulation 6.--Appeals

Section 1. When an appeal may be taken.--Whenever an applicant for whom an inspection has been made or any other interested party believes the class, quality, and/or condition of a lot of beans and peas stated in any inspection certificate is not the correct class, quality, and/or condition of such beans and peas, he may file an appeal, provided (a) all of the beans



and peas covered by such inspection are available for an appeal inspection; (b) the beans and peas are accessible for making an appeal inspection; (c) the condition of the beans and peas has not undergone any material change; and (d) the identity of the beans and peas has not been lost.

Section 2. How to take an appeal.--Application for an appeal, under the act, may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally it shall be confirmed the same day in writing. Such application shall be filed (a) with an inspector, or (b) with the chief of the bureau. Such application shall state the reasons therefor and shall be accompanied by the certificate for the inspection from which the appeal is taken, if in the possession of the appellant.

Section 3. When an appeal may be withdrawn.--An appeal may be withdrawn by the appellant at any time before the appeal sample or any portion thereof is drawn upon payment of any expense incurred by the department in connection therewith as provided in regulation 8, section 3.

Section 4. When an appeal may be dismissed.--If it shall appear to the chief of the Bureau or the inspector designated to handle the appeal that the reasons stated in an appeal are frivolous or unsubstantial, or the act or these regulations have not been complied with, the appeal may be dismissed, the appellant shall be notified by telegraph or in writing of the reason for such dismissal, a statement of such action shall be included in the record of such appeal by the officer making the same, and all expenses incurred in connection therewith shall be paid by the appellant as provided in regulation 8, section 3. Upon the dismissal or withdrawal of an appeal, any inspection certificate filed therewith shall be returned immediately to the person by whom filed or delivered, upon his written order.

Section 5. Who shall make appeal inspections.--Appeal inspections shall be made by inspectors designated for the purpose by the chief of the bureau.

Section 6. Appeal inspection certificates.--When an appeal inspection has been made, an appeal inspection certificate shall be signed and issued by the inspector making the appeal inspection. This appeal inspection certificate shall state the class, quality, and condition of the beans as shown by the appeal inspection. It shall supersede all other certificates for inspection and/or reinspection of the same lot of beans and peas previously made and shall refer specifically to the inspection from which the appeal is taken. Copies of the appeal inspection certificate shall be sent to all interested parties, if known, other than the carriers, and to such of them as have been applicants for any former inspection of the beans and peas on which the special inspection is made. In all other respects the provisions of regulation 4 relative to inspections shall apply to appeal inspections.

#### Regulation 7.--Licensed Inspectors

Section 1. Who may be licensed.--Persons who show proper qualifications, who are not interested directly or indirectly in the business of merchandising beans and peas, and who complete satisfactorily a course of training prescribed by the chief of the bureau, may be licensed by the Secretary to inspect beans and peas under the act. Licenses for such persons shall be countersigned by the specialist in charge, the specialist in inspection, or the supervising inspector under whose direction the licensee is to make inspections.

Section 2. License may be suspended.--Pending final action by the Secretary, any inspector's license may be suspended by the chief of the bureau or by any official by whom it may be countersigned, whenever the chief of the bureau or such official shall consider such action to be for the good



of the service. Within ten days after any such suspension the licensee may file an appeal in writing to the Secretary supported by any evidence he may wish to offer in his behalf.

Regulation 8.--Fees and Charges.

Section 1. Fees and charges for inspections.--The fees and charges to be collected by inspectors for inspections and reinspections of beans and peas at shipping points, designated markets, and other points shall be fixed in accordance with paragraphs 1, 2, and 3 of this section.

Paragraph 1. Inspection by salaried employees of the Department of Agriculture.--Fees and charges for inspections by salaried employees of the Department of Agriculture shall be fixed by the Secretary and published in accordance with regulation 10, section 1.

Paragraph 2. Inspections made under cooperative agreements.--Fees and charges for inspections made under a cooperative agreement with a State or other organization shall be in accordance with the terms of such agreement approved by the chief of the bureau.

Paragraph 3. Fees and charges for reinspections.--Fees and charges for reinspections of beans and peas shall be the same as those for inspections as provided in paragraphs 1 and 2 of this section, provided, however, that when an inspection is reversed by a reinspection no fees and charges shall be assessed against the applicant.

Section 2. Fees and charges for appeal inspections.--Fees and charges for appeal inspections of beans and peas shall be fixed by the Secretary and published under regulation 10, section 1, provided that when it is

found that there was a material error in the inspection from which the appeal is taken, no fees or charges will be assessed against the appellant.

Section 3. Fees and charges when inspections or appeal inspections are withdrawn or refused.--When applications for inspection or appeal inspection are withdrawn by the applicant in accordance with regulation 4, section 5, or regulation 6, section 3, or when such applications are refused in accordance with regulation 4, section 6, or regulation 6, section 4, the regular fee will not be charged but the applicant may be required to pay a reasonable amount for the inspector's time, together with all expenses for travel and other items in connection with such application prior to such withdrawal or refusal.

Section 4. Payment of fees and charges.--The fees and charges for each inspection or appeal inspection shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector and in advance if required by the inspector. Fees and charges for inspections or appeal inspections made by inspectors who are employed exclusively by the Department of Agriculture shall be remitted promptly to the Disbursing Clerk of the Department of Agriculture. Fees for inspections made by a licensed inspector acting exclusively for the Department of Agriculture, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his service, shall be remitted to the Disbursing Clerk of the Department of Agriculture. Fees for inspections made by an inspector acting under a cooperative agreement with a State or other agency shall be disposed of in accordance with the terms of such agreement. The chief of the bureau will cause to be returned to the person entitled



thereto any money remitted in excess of the amount due the United States, and to be deposited in the United States Treasury as miscellaneous receipts all moneys found to be due the United States.

Regulation 9.--Licensed Samplers.

Section 1. Who may be licensed.--Persons who show proper qualifications, and who are not interested directly or indirectly in the business of merchandising beans and peas may be licensed by the Secretary to draw official samples of beans and peas under the act from lots offered for inspection and reinspection, at points where there is no regular licensed inspector and from lots offered for appeal inspection at any point.

Section 2. When samples shall be drawn.--Upon request of an inspector or an applicant for inspection, licensed samplers shall draw official samples from designated lots in accordance with the methods approved by the chief of the bureau.

Section 3. Where samples shall be forwarded.--Licensed samplers shall forward all samples drawn by them to such inspectors as the chief of the bureau may direct and shall furnish with each sample such information as the chief of the bureau may request.

Section 4. Samples shall be official.--Samples drawn by licensed samplers shall be accepted by any inspector as official samples and used as a basis for determining the class, quality, and/or condition of the lot from which samples are drawn.

Section 5. Fees and charges paid by applicant.--Fees and charges for the services of licensed samplers shall be reasonable, subject to the approval of the chief of the bureau, and shall be paid by the applicant.



Section 6. License may be suspended.--Pending final action by the Secretary, a sampler's license may be suspended by the chief of the bureau or by any official by whom it may be countersigned whenever such official shall deem such action to be for the good of the service. Within ten days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer in his behalf.

#### Regulation 10.--Miscellaneous

Section 1. Publications.--Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other media as the chief of the bureau may from time to time designate for the purpose.

Section 2. Beans and peas must be accessible.--The applicant shall cause the beans and peas for which inspection, reinspection, or appeal inspection is requested to be made accessible for examination and to be so placed as to disclose its class, quality, and condition.

Section 3. Order in which inspections made.--The inspector shall make as many inspections, reinspections, and appeal inspections as facilities will permit and as far as practicable in the order in which applications are received, except that appeal inspections shall take precedence over other inspections.

Section 4. Authority of agents.--Proof of authority of any person applying for inspection on behalf of another may be required, in the discretion of the inspector.

Section 5. Certificate superseded shall not represent grade of beans and peas.--When an inspection certificate or reinspection certificate has



been superseded under these regulations by an appeal inspection certificate, no inspection certificate issued prior thereto shall thereafter represent the grade of the lot of beans and peas described therein. If the original and all copies of the superseded certificate or certificates are not delivered to the person with whom the application for an appeal inspection is filed, the inspector issuing the appeal inspection certificate shall give such public notice of the issuance of such appeal inspection certificate and cancellation of the original certificate or certificates as he considers necessary to prevent fraud.

Section 6. Misrepresentation.--Any misrepresentation or any deceptive or fraudulent practice made or committed by any applicant for inspection may be deemed sufficient cause for debarring the person guilty thereof from any further benefits of the act, and in case of violations of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and beans and peas to seizure.

